

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

112842032

09/936542

RECEIVED ATTORNEY'S DOCKET NUMBER 09/936542

09/936,542

#2

INTERNATIONAL APPLICATION NO.

PCT/EP00/01798

INTERNATIONAL FILING DATE

2 March 2000

PRIORITY DATE CLAIMED

11 March 1999

TITLE OF INVENTION

LACTOBACILLUS STRAINS CAPABLE OF PREVENTING DIARRHOEA CAUSED BY PATHOGENIC BACTERIA AND ROTAVIRUSES

APPLICANT(S) FOR DO/EO/US

Reniero et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/PEPA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office
Return Receipt Postcard

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) 09/936,542	INTERNATIONAL APPLICATION NO. PCT/EP00/01798	ATTORNEY'S DOCKET NUMBER 112843-032
-----------------------------------------------------------------------	--------------------------------------------------------	-----------------------------------------------

24. The following fees are submitted.

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :	CALCULATIONS PTO USE ONLY															
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1040.00															
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$890.00															
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$740.00															
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$710.00															
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	\$100.00															
ENTER APPROPRIATE BASIC FEE AMOUNT =	\$0.00															
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30	\$130.00															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td style="text-align: center;">- 20 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$18.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$84.00</td> <td style="text-align: right;">\$0.00</td> </tr> </tbody> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	- 20 =	0	x \$18.00	\$0.00	Independent claims	- 3 =	0	x \$84.00	\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE													
Total claims	- 20 =	0	x \$18.00	\$0.00												
Independent claims	- 3 =	0	x \$84.00	\$0.00												
Multiple Dependent Claims (check if applicable).	\$0.00															
TOTAL OF ABOVE CALCULATIONS =	\$130.00															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$0.00															
SUBTOTAL =	\$130.00															
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 +	\$0.00															
TOTAL NATIONAL FEE =	\$130.00															
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>	\$0.00															
TOTAL FEES ENCLOSED =	\$130.00															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Amount to be refunded</td> <td style="width: 50%; text-align: right;">\$</td> </tr> <tr> <td>charged</td> <td style="text-align: right;">\$</td> </tr> </table>	Amount to be refunded	\$	charged	\$											
Amount to be refunded	\$															
charged	\$															

a. ☒ A check in the amount of **\$130.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-1818**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett, Esq.
 Bell, Boyd & Lloyd LLC
 P.O. Box 1135
 Chicago, Illinois 60690-1135
 Tel: (312) 807-4204

SIGNATURE
Robert M. Barrett
 NAME
30,142
 REGISTRATION NUMBER
December 21, 2001
 DATE

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112843-32

In Re Application Of: **Reniero et al.**

Serial No.
09/936,542

Filing Date
September 10, 2001

Examiner
Unknown

Group Art Unit
Unknown

Title:

LACTOBACILLUS STRA INS CAPABLE OF PREVENTING DIARRHOEA CAUSED BY PATHOGENIC BACTERIA AND ROTAVIRUSES
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Transmittal Letter (duplicate); Response to Notification of Missing Requirements; Copy of Notification of Missing Requirements; Executed Declaration; Check in the Amount of \$130.00; and Return Receipt Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.



Signature

Robert M. Barrett (30,142)
ATTORNEYS FOR APPLICANTS
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135

Dated: **December 21, 2001**

I certify that this document and fee is being deposited on **12/21/2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.5 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Robert J. Buccieri

Typed or Printed Name of Person Mailing Correspondence

CC:

<input checked="" type="checkbox"/> Contribution For Priority, Non-PCT, United States Patent and Trademark Office, Washington, D.C. 20590		
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,542	Reniero	112843-032

Robert M. Barrett
 Bell Boyd & Lloyd
 P.O. Box 1135
 Chicago, IL 60690-1135

INTERNATIONAL APPLICATION NO.	
PCT/EP00/01798	
I.A. FILING DATE	PRIORITY DATE
03/02/2000	03/11/1999

CONFIRMATION NO. 7122

371 FORMALITIES LETTER



0C000000007000717

Date Mailed: 11/01/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED
 BELL, BOYD & LLOYD
 INTELLECTUAL PROPERTY DOCKET

NOV 06 2001 *TK*

ATTY: RMB
 DOCKET #: 112843-032

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (whichever 37 CFR 1.495 applies) FROM THE PRIORITY

DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,542	PCT/EP00/01798	112843-032